IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Crl.Rev.Pet.No. 27 of 1999(C)

CRA.31/1994 of SESSIONS COURT, KOTTAYAM
ST.142/1987 of JUDL. MAGISTRATE OF FIRST CLASS, CHANGANACHERRY.

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REVN. PETITIONER: ACCUSED/APPELLANT

T.D.JAMES, THURUTHEL KIDANGOORA, CHANGANACHERRY.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS: RESPONDENTS & COMPLAINANT
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1. **G.MOHANAN NAIR, FOOD INSPECTOR, CHANGANACHERRY MUNICIPALITY.**

2. **THE STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM.**

BY ADV. SRI.S.VIJAYAKUMAR
BY PUBLIC PROSECUTOR SRI.K.R.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/07/2007, ALONG WITH CRRP NO. 30 OF 1999 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP. NO.27/1999

ORDER ON CRL.MP. NO.97/1999 IN CRRP. NO.27/1999

DISMISSED

30.07.2007 **SD/- J.B.KOSHY, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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J.B.KOSHY, J.

Crl.R.P.Nos.27 & 30 OF 1999

Dated 30th July, 2007

ORDER

In both these cases, Food Inspector visited the revision petitioner's shop on 27.11.1986 and purchased 900 grams of Milk Ice in Crl.R.P.No.27 of 1999 and 600 grams in Crl.R.P.No.30 of 1999 and sampled the same. The sample was found to be adulterated. All the formalities required for sampling were complied with. On a consideration of the evidence, the Magistrate's Court found him guilty under Section 2(ia) (a), 7(i) and 16(i)(a) (i) of the Prevention of Food Adulteration Act in both cases and sentenced him to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/= with a default sentence of simple imprisonment for one month in each case. The above conviction and sentence were upheld by the Sessions Court. It is contended that one Devassia was the manufacturer of the milk ice and failure to implead the manufacturer was illegal. According to the revision petitioner, he is only a coolie. This will not exonerate the petitioner from selling adulterated food. The public health especially that of the children is very important. Petitioner was conducting the shop. The adulterated milk ice was purchased from his shop

and there is no evidence to show that it was manufactured by Devassia as alleged by the petitioner. I see no ground to interfere with the concurrent findings entered by the courts below. He was found guilty The minimum punishment prescribed for the above offence is six months imprisonment with fine. Only minimum punishment was imposed. Therefore, I see no ground to interfere with the sentence also in these revision petitions.

Both revision petitions are dismissed.

J.B.KOSHY
Judge

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